

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

WILLIE T. SMITH,

Plaintiff,

vs.

LAS VEGAS METROPOLITAN POLICE  
DEPARTMENT, *et al.*,

Defendants.

Case No. 2:08-cv-00022-PMP-GWF

**FINDINGS AND  
RECOMMENDATIONS**

On February 20, 2008, the Court issued Order (#4), which granted Plaintiff's application to proceed *in forma pauperis*. However, the Court ordered Plaintiff to pay an initial installment fee of **\$2.66** toward the full filing fee of \$350.00 within **thirty (30) days** from the date Order (#4) was entered. Plaintiff was advised that failure to make the payment could result in dismissal of the action. To date, Plaintiff has not complied with Court Order (#4) within the allotted time period, and the time allowed has expired. Accordingly,

**IT IS HEREBY RECOMMENDED** that the Complaint should be **dismissed** without prejudice based on Plaintiff's failure to pay the installment fee of **\$2.66** toward the filing fee of \$350.00 for this action.


**NOTICE**

Pursuant to Local Rule IB 3-2, any objection to this Finding and Recommendation must be in writing and filed with the Clerk of the Court within ten (10) days. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the



1 objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues  
2 from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi*  
3 *Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

4 DATED this 3rd day of April, 2008.

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7 **GEORGE FOLEY, JR.**  
8 **UNITED STATES MAGISTRATE JUDGE**  
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